



COMMITTEE ON  
**EDUCATION  
& LABOR**  
REPUBLICANS

**COMMITTEE  
STATEMENT**

---

**Opening Statement of Rep. Russ Fulcher (R-ID), Republican Leader  
Subcommittee on Civil Rights and Human Services Hearing:  
“Examining the Policies and Priorities of the Equal Employment Opportunity Commission and the  
Office of the Federal Contract Compliance Programs.”  
April 27, 2022  
(As prepared for delivery)**

*“Congressional oversight extends to the Equal Employment Opportunity Commission and the Office of Federal Contract Compliance Programs, both of which are currently struggling to meet the needs of American workers and job creators.*

*“The work of EEOC and OFCCP is important, but too often becomes a weapon against job creators. American workers deserve to be protected from unlawful discrimination and given an equal opportunity to succeed in the workplace. The vast majority of job creators treat their employees fairly and have their employees’ best interests in mind. Federal agencies must stop treating our country’s business owners like predators.*

*“One of the most concerning things coming out of the Biden administration’s OFCCP is the decision to rescind the Trump-era rule protecting faith-based contractors. It’s ironic that an agency tasked with preventing and combatting unlawful discrimination is pushing the door open for faith-based organizations to be discriminated against.*

*“The previous administration’s final rule gave religious organizations the opportunity to bid for federal contracts without fear of having to compromise their faith or religious character. Without this explicit protection, many religious federal contractors will be left without clear guidance regarding their rights and obligations. This will keep many religious organizations from bidding for federal contracts.*

*“Protecting the constitutional principle of the free exercise of religion is crucial. OFCCP should uphold and protect the First Amendment instead of undermining this fundamental American principle. The right of faith-based organizations to follow their sincerely held religious beliefs should not be up for debate.*

*“OFCCP is also likely operating outside the law by forcing federal contractors to perform pay equity audits and deny them the right to invoke attorney-client privilege. There is no such audit requirement in existing law, so one has to wonder where OFCCP believes its authority is coming from. These actions will reduce clarity and transparency in the audit process, especially where employee pay is concerned.*

*“EEOC spends far too much of its time looking for discrimination where there isn’t any, instead of processing the backlog of claims from America’s workers. Even after EEOC added 450 employees, monetary recoveries for workers decreased by 9.6 percent, litigation recoveries for workers decreased by 67.9 percent, and compliance assistance outreach efforts also declined sharply. These numbers represent the hardworking Americans who came to EEOC for help and have been greeted with delay and inefficiency, if they received any help at all.*

*“EEOC has yet to return its offices to in-person work, and all 53 field offices are closed, even though most are located in states and localities where private businesses, schools, and other government offices are fully open. That’s why on March 23, Republican Leaders Foxx and Comer sent a letter to Chair Burrows raising concerns that EEOC does not have an immediately executable plan to return to in-person work.*

*“We know that a lack of on-site EEOC personnel hinders the ability of claimants to receive the help the agency was created to provide. Chair Burrows, you state in your testimony that the most vulnerable were probably the ones who suffered most from the closure of local offices, and yet your agency has yet to reopen those facilities. This Committee deserves to know if in your calculation, the risk of COVID-19—even with widely available vaccines—outweighs the cost to those vulnerable workers.*

*“It is not surprising the current party in leadership wants to throw more money at this agency. The Biden administration is requesting that Congress increase EEOC’s budget by \$44.7 million to nearly \$465 million.*

*“Burdensome requirements added unnecessary costs to businesses, and EEOC did nothing with the data collected.*

*“Besides costing job creators \$325 million annually and doing nothing to prevent pay discrimination, there are important confidentiality concerns regarding EEOC’s ability to protect the collected data.*

*“In conclusion, EEOC and OFCCP need to focus on protecting workers without throwing employers under the bus. We all want to see workers succeed, but over-regulating job creators is counterproductive. These agencies need to get their own houses in order before they throw more red tape on businesses.”*